IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

TUESDAY, THE 18TH SEPTEMBER 2007 / 27TH BHADRA 1929

WP(C).No. 12970 of 2004(R)

PETITIONER:

SHAINI MOLE. S.R., SHINY VILLA,
PERAYAM, MULAVANA, KOLLAM DISTRICT.

BY ADV. SRI.B.MOHANLAL

RESPONDENTS:
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1. STATE OF KERALA REPRESENTED BY THE SECRETARY, GENERAL EDUCATION, SECRETARIAT, THIRUVANANTHAPURAM.

2. THE TAHSILDAR, TALUK OFFICE, KOLLAM DISTRICT.

3. THE SECRETARY, KERALA PUBLIC SERVICE COMMISSION, PATTOM PALACE JUNCTION, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SMT. N. SUDHADEVI
R3 BY ADV. SRI. ALEXANDER THOMAS

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Thottathil B. Radhakrishnan, J.

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W.P.(C)No.12970 of 2004

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Dated this the 18th day of September, 2007.

JUDGMENT

Petitioner claims that her ancestors belonged to Parava community and later converted to Christianity. She accordingly applied for a certificate as to non-creamy layer status for the purpose of reservation in public employment. The Tahsildar took the stand, which stand is reflected in the counter affidavit also, that the materials would show that the petitioner belongs to Latin Catholic community and that she attends the Latin Catholic Church while a certificate issued by the Church that she attends would show that her ancestors belonged to Parava community and they converted to Christianity from that community. Her SSLC Book shows that she belongs to Parava Christian community.

2. The Public Service Commission has treated the petitioner as belonging to Parava Christian community in the short list, going by her SSLC Book. But the fact remains that

there is no special classification as Parava among Christians and the person who converts to Christianity is a Christian. In identifying that denomination among Christians to which fold a convert would fall, it has to be considered as to which denomination of Christians accepted a convert into the fold. Going by the certificate of the Church relied on by the Tahsildar, the petitioner's ancestors were converted and they attend Latin Christian Church. This means that they have to be treated as Latin Christians and not as Parava Christians. When a person converts from a religion and goes into yet another religion, the denomination which accepts the convert into its fold will thereafter be the denomination of the community to which the convert belongs. This is the fundamental reason why when a convert from Hinduism to Christianity is re-converted to Hinduism he would attain the identity of that caste in the Hindu community, to which he originally belonged only if that community is shown to have accepted the re-convert into its fold. Therefore, when the petitioner's forefathers had converted to Christianity and are, going by the counter affidavit of the Government, attending the Latin Catholic Church and treated by the Latin Christians as one of

the members of that denomination, going by the certificate of the Church, there is no reason why the petitioner ought not be treated as a Latin Christian which nomenclature would place the petitioner neither here nor there.

In the result, this writ petition is allowed directing that the State Government and the PSC shall, for all intents and purposes, hereafter treat the petitioner as one belonging to Latin Christian community unless she converts or re-converts from Christian religion. All incidental reliefs, including any reservation on conditions prescribed shall be extended to the petitioner on the basis of the declaration contained in this judgment. However, it is directed that if the petitioner has enjoyed any benefit, including appointment, until today on the basis of her being treated as Parava Christian, such benefits shall not be recalled by the operation of this judgment.

Thottathil B.Radhakrishnan,
Judge.

sl.